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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,945	03/23/2005	Dirk Hamelinck	BE 020030	6562
24737 7590 02/14/2008 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER AGUSTIN, PETER VINCENT	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 02/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/528,945

Applicant(s)

HAMELINCK ET AL.

Examiner

P. Agustin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
4a) Of the above claim(s) 2-4 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 and 5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 23 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. This application is a 371 of PCT/IB03/04240, filed September 29, 2003.
2. Claims 1-5 are currently pending.

Election/Restrictions

3. Applicant's election of Group I, claims 1 & 5, in the reply filed on January 4, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

4. Claims 2-4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on January 4, 2008.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

6. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 1 & 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 2-3 recites that “the method is adapted to enable random recording and overwriting on said recording medium”, which is inconsistent with the recitation in line 2 that the recording medium is of the “write once” type. It is well known in the art that write once type recording media do not allow overwriting to already written areas. This inconsistency renders the claim indefinite.

Claim 5 is dependent upon claim 1.

9. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01.

Claim 5 recites a recording device adapted for carrying out the method according to claim 1, but omits the essential components of the recording device which are necessary for carrying out the method of claim 1.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1 & 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Der Enden et al. (US 6,151,281).

In regard to claim 1, Van Der Enden et al. disclose a method for recording information on a recording medium of the write once type (column 11, lines 41-42: “the invention may also be used for Write Once record carriers”), wherein the method is adapted to enable random recording (a well known property of write once recording media) and random overwriting (in light of the 112-2nd rejection above, and consistent with applicant’s disclosure, this is interpreted as “accidental” random overwriting, to which write once type recording media are prone) on said recording medium of the write once type, said method comprising the steps of: receiving a request for storing the information (column 5, lines 41-43: “system drive unit 46 for receiving commands from a driving computer system or a user for driving the device”, referring to the writing device of Figure 4) at a requested storing location (column 5, last line: “areas”) in a first area on said recording medium; checking whether the requested storing location is still unwritten (column 5, line 66 through column 6, line 6: “apparatus to detect whether areas are written”); writing the information to the requested storing location in the first area when the requested storing location is still unwritten (column 8, lines 15-17: “the still unwritten gaps in this work area are filled with dummy information”), or writing the information to a free storing location in a second area on said recording medium when the requested storing location is written (column 8, lines 17-21: “areas which have already been written are carefully skipped...the paving procedure is then repeated for a subsequent work area”); and updating a table administering the relation between the requested storing location and the actual location, in the first area or the second area on said recording medium, in which the information is written (column 14, lines 26-31: “the rewriting means are adapted to generate an address translation table on the record carrier, the address translation table includes information for translating the original address of

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rewritten information blocks into the new address of the rewritten information after the rewriting operation”).

In regard to claim 5, Van Der Enden et al. disclose a recording device (Figures 4, 6 & 7) for recording information on a recording medium (1) of the write once type, said device adapted for carrying out the method according to claim 1 (as noted above).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ichinose et al. (US 4,768,181) disclose a write sector check circuit which checks if a target sector is a recorded sector or an unrecorded sector, a deleted sector or not, or if the sector has the presence or absence of dropout, and sends a check signal back to a CPU. If the target sector is an unrecorded sector which includes no dropout, the CPU sends a write command signal to a write gate generation circuit in response to the address detection signal so that the write gate generation circuit generates a write gate signal.

Maeda (US 4,996,678) discloses an apparatus for rewriting an optical disc while updating its table of contents and without leaving gaps.

Gregg et al. (US 5,043,967) disclose a WORM data storage medium that includes primary and secondary data storage areas in which data and pointers to allocated but unwritten update areas are written.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to P. Agustin whose telephone number is 571-272-7567. The examiner can normally be reached on Monday-Thursday 8:30-6:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Peter Vincent Agustin
Patent Examiner
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